



SOURCES OF INTERNATIONAL LAW

Introduction into International Law



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- 1) SOVEREIGNTY**
- 2) SOVEREIGN EQUALITY**
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SOVEREIGNTY

- Sovereignty is a legal status categorized from two points of view:
 - **I. Internal** → limited relevance for IL
 - **II. External**
 - Full control over one's affairs on the plane of international law/relations, both externally and internally
 - A) Internal → Exclusive powers over the territory and population in the very state; principle of non-intervention → **Nicaragua case** (Art. 263-265)
 - B) External → Capacity to act as an equal peer amongst subjects of international law; sovereign-equality

SOVEREIGN EQUALITY

- **1943 Moscow declaration**
- **Art. 2 (1) of the UN Charter**
- **UN General Assembly Resolution 2625 (XXV) of 24 October 1970** - Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nation → **Elements of sovereign equality**

NON-INTERVENTION

- **UN Charter**
- **Nicaragua case → Art. 202, 205.**
- **UN General Assembly Resolution 2625 (XXV) of 24 October 1970** - Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nation → **Duty not to intervene**

SELF-DETERMINATION OF PEOPLES - Prior to the Great War

- Origins → French Revolution and the American War of Independence
- Selective allocation of the right of self-determination to merely some nations
- ***Aaland Islands Case***
- ***Report of the Commission of Rapporteurs B.721/68/106 (1921)*** → self-determination is not, properly speaking a rule of international law
- **2 forms**
 - **internal self-determination** (E.g. *the access to education in their mother tongues and to access public authorities*)
 - **external self-determination** (E.g. *secession and creation of a new state and/or leaving an existing state*)

SELF-DETERMINATION OF PEOPLES – Post WWII

- International Covenant on Economic, Social and Cultural Rights (ICESCR) → Art. 1(1)
- International Covenant on Civil and Political Rights (ICCPR) → Art. 1(1) (3)
- **Decolonization and the Activism of the ICJ**
 - UN General Assembly Resolution 2625 (XXV) of October 1970 → self-determination of peoples
 - South West Africa Cases (p. 319)
 - Western Sahara. ICJ Advisory Opinion of 16 October 1975 → Art. 55-59, 161-162
- **Supreme Court of Canada in Reference Re Secession of Quebec [1998] 2 SCR 217**
 - Summary of the contemporary framework of self-determination under international
 - Art. 114-126